

(II) GIVE WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING AT LEAST 10 DAYS BEFORE THE HEARING.

(5) A HEARING HELD UNDER THIS SUBSECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(6) AT THE HEARING THE INSURER HAS THE BURDEN OF PROVING ITS PROPOSED ACTION TO BE JUSTIFIED AND, IN DOING SO, MAY RELY ONLY ON THE REASONS SET FORTH IN ITS NOTICE TO THE INSURED.

(F) ORDER FOLLOWING HEARING.

(1) THE COMMISSIONER SHALL ISSUE AN ORDER WITHIN 30 DAYS AFTER THE CONCLUSION OF THE HEARING.

(2) IF THE COMMISSIONER FINDS THE PROPOSED ACTION OF THE INSURER TO BE JUSTIFIED, THE COMMISSIONER SHALL:

(I) DISMISS THE PROTEST; AND

(II) ALLOW THE PROPOSED ACTION TO BE TAKEN ON THE LATER OF:

1. ITS PROPOSED EFFECTIVE DATE; AND

2. 30 DAYS AFTER THE DATE OF THE DETERMINATION.

(3) IF THE COMMISSIONER FINDS THE PROPOSED ACTION TO BE UNJUSTIFIED, THE COMMISSIONER:

(I) SHALL DISALLOW THE ACTION; AND

(II) MAY ORDER THE INSURER TO PAY REASONABLE ATTORNEY FEES INCURRED BY THE INSURED FOR REPRESENTATION AT THE HEARING AS THE COMMISSIONER CONSIDERS APPROPRIATE.

(G) DELEGATION BY COMMISSIONER.

THE COMMISSIONER MAY DELEGATE THE POWERS AND DUTIES OF THE COMMISSIONER UNDER THIS SECTION TO ONE OR MORE EMPLOYEES OR HEARING EXAMINERS.

(H) JUDICIAL REVIEW.

A PARTY TO A PROCEEDING UNDER THIS SECTION MAY APPEAL THE DECISION OF THE COMMISSIONER IN ACCORDANCE WITH § 2-215 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 240AA.

In subsection (a)(2)(ii) of this section, the reference to "Title 19, Subtitle 5" of this article is substituted for the former reference to "§§ 539 through 541" of former Art. 48A. Because Title 19, Subtitle 5 of this article includes several provisions other than former Art. 48A, §§ 539 through 541, the